

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANNY JOE BARBER, III,

Plaintiff,

v.

KITSAP COUNTY SHERIFFS  
DEPARTMENT,

Defendant.

Case No. 3:24-cv-05619-MJP-TLF

REPORT AND  
RECOMMENDATION

NOTED FOR NOVEMBER 21, 2024

On July 29, 2024, Plaintiff filed a Motion for Leave to Proceed In Forma Pauperis (Dkt. 1), with respect to his proposed civil rights complaint (Dkt. 1-1). On September 25, 2024, the Court ordered Plaintiff to show cause why the complaint should not be dismissed for failure to state a claim. Dkt. 6.

Given the identified deficiencies in the proposed complaint, the Court did not grant Plaintiff's IFP application. The Court gave plaintiff a deadline of October 16, 2024, to show cause why his complaint should not be dismissed or file an amended complaint. Plaintiff has not responded to the Court's order to show cause. Accordingly, the undersigned recommends that the Court DENY plaintiff's IFP application and dismiss his action without prejudice for failure to prosecute.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for

1 purposes of *de novo* review by the district judge, see 28 U.S.C. § 636(b)(1)(C), and can  
2 result in a waiver of those objections for purposes of appeal. See *Thomas v. Arn*, 474  
3 U.S. 140, 142 (1985); *Miranda v. Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations  
4 omitted). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is  
5 directed to set the matter for consideration on **November 21, 2024**, as noted in the  
6 caption.

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8 Dated this 6th day of November, 2024.

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12 Theresa L. Fricke  
13 United States Magistrate Judge  
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